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October 19, 2011

VIA ELECTRONIC FILING

Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings

OCT 19 2011

Part of
Public Record

Re: Docket No. 41191 (Sub-No. 1), AEP Texas
North Company v. BNSF Railway Company

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding is Complainant AEP Texas North Company's Petition to Dismiss With Prejudice.

Sincerely,



Kelvin J. Dowd
An Attorney
for AEP Texas North Company

Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

)	
)	
AEP TEXAS NORTH COMPANY)	
)	
Complainant,)	
)	
v.)	Docket No. 41191 (Sub-No.1)
)	
BNSF RAILWAY COMPANY)	
)	
Defendant.)	
)	

PETITION TO DISMISS WITH PREJUDICE

Complainant AEP Texas North Company ("AEPTX") has reached a voluntary settlement with Defendant BNSF Railway Company, on all matters at issue in this proceeding. Accordingly, AEPTX requests that the Board dismiss its Complaint, with prejudice, and discontinue these proceedings.

AEPTX further requests that the Board advise the United States Court of Appeals for the District of Columbia Circuit that this matter has been dismissed, and that there will be no further proceedings before the Board on remand from the Court's June 18, 2010 decision in *AEP Texas North Company v. Surface Transportation Board*, 609 F.3d 432 (D.C. Cir. 2010).

Respectfully submitted,

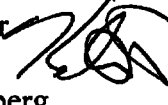
AEP TEXAS NORTH COMPANY

By: Patricia M. Castro
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Dated: October 19, 2011

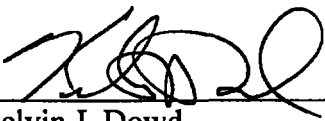
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Attorneys & Practitioners

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 2011, I caused a copy of the foregoing Petition to Dismiss with Prejudice to be served by hand delivery on counsel for BNSF, as follows:

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Kelvin J. Dowd